

## Julius Chris

---

**From:** Battocchi Ron  
**Sent:** Wednesday, October 01, 2003 9:57 AM  
**To:** Julius Chris  
**Subject:** FW: Logs/timelines/chronologies of September 11

Chris, I don't know whether we created or maintained this. I know you were here and may recall something like this. The CommCenter may be a good place to start.

-----Original Message-----

Referred to Dept.  
of Justice

Comm Ctr? - No

↳ Chris Stephens (computer backup)? No

AS-1/AS-10 (Clark/Hawkins) - No

Grosz (TOA) - No

RE-1 (Uem) - No

(Ritter) - No

(Carls) - No

} aside from what  
did for FBI

RCP 10-3-03

From: Julius Chris  
Sent: Thursday, July 17, 2003 5:58 PM  
To: Battocchi Ron;  
Subject: RE:

(b)(6)  
(b)(7)(C)

Hand Delivered to Miles Kara for Dana Hyde, Esq, of the 9-11 Commission at approximately 5:30 this evening. RCJ

-----Original Message-----

From: Battocchi Ron  
Sent: Thursday, July 17, 2003 5:27 PM  
To: [REDACTED]  
Cc: Julius Chris  
Subject: RE:

(b)(6)  
(b)(7)(C)

No, but I had Chris deliver the materials. We offered [REDACTED] an opportunity this morning to voice any objections directly to us, and he has not. Although I would have preferred an affirmative response, I thought we should accede to your request to expedite delivery.  
Ron

-----Original Message-----

Referred to Dept.  
of Justice

## Julius Chris

---

**From:** Julius Chris  
**Sent:** Monday, July 07, 2003 2:02 PM  
**To:** Julius Chris  
**Subject:** FW: 9-11 Commission request for records

-----Original Message-----

**From:** Battocchi Ron  
**To:** Cash James; Julius Chris  
**Sent:** 7/7/03 12:38 PM  
**Subject:** FW: 9-11 Commission request for records

Done.

-----Original Message-----

Referred to Dept. of  
Justice

-----Original Message-----

**From:** BATTOCR@ntsb.gov [mailto:BATTOCR@ntsb.gov]  
**Sent:** Monday, July 07, 2003 12:14 PM  
**To:** [REDACTED]  
**Subject:** RE: 9-11 Commission request for records

(b)(6)  
(b)(7)(C)

[REDACTED] I have an inventory of products we prepared. Send me your fax number, and I'll transmit it to you. I understand that after the list was prepared a few products were tweaked by us at the request of the FBI/DOJ.  
Ron Battocchi

(b)(6)  
(b)(7)(C)

Julius Chris

From: Julius Chris  
Sent: Tuesday, July 22, 2003 8:17 AM  
To: Julius Chris  
Subject: FW:

-----Original Message-----

From: Cash James  
To: Julius Chris  
Sent: 7/21/03 10:00 PM  
Subject: RE:

I would say 200 is a better guess = or - 50. 12 cds with data, 1 beta  
1 vhs and 2 mini dvcam tapes of the animations.

-----Original Message-----

From: Julius Chris  
Sent: Monday, July 21, 2003 9:27 AM  
To: Cash James  
Cc: Battocchi Ron  
Subject: FW:

Jim, do you have a guestimate on the approx number of pages of material?  
My best guess is 500 give or take 200. These pages also included some  
non-standard-sized charts, plots, etc. Plus 1 beta tape, a CD-ROM, a  
VHS tape and 2 other mini-tapes of some kind.

-----Original Message-----

From: Battocchi Ron  
Sent: Monday, July 21, 2003 8:23 AM  
To: Julius Chris  
Subject: FW:

Chris, any idea (need to also mention tapes and media other than  
documents)?

-----Original Message-----

Referred to Dept.  
of Justice

-----Original Message-----

From: BATTOCR@ntsb.gov [mailto:BATTOCR@ntsb.gov]  
Sent: Thursday, July 17, 2003 3:36 PM  
To: [REDACTED]  
Cc: juliusc@ntsb.gov  
Subject: RE:

(b)(6)  
(b)(7)(C)

Thanks [REDACTED]. I left you a voice message. Although I told you that I  
would provide the requested records on the strength of an email from you, I am  
concerned that we have had no direct contact with the FBI on this and it  
would be my preference for us to speak with or have an email from

someone at  
the FBI. Sorry for any inconvenience.

-----Original Message-----

Referred to Dept.  
of Justice

From: Julius Chris  
Sent: Wednesday, April 21, 2004 1:48 PM  
To: Cash James; Battocchi Ron  
Cc: Ellingstad Vern; Battocchi Ron; Campbell Daniel; Pereira Charley  
Subject: FW: 9-11 Commission visit to NTSB



9-11 Comm to NTSB  
(4-20-04).pd...

This arrived on my desk today ...

Jim, I assume you've coordinated the date for the UAL CVR audit (eg, tomorrow). Jim, if you see problems of any kind, please call Raidt at the Commission immediately, and let me know of same. Per the letter, FBI is bringing the CVR to NTSB for this purpose. Jim, you may want to touch base directly with the FBI person named in the letter.

The list of participants OBO the Commission is longer than we're used to for any CVR audit and my have some non-technical personnel on it, [REDACTED]

(b)(5)

-----Original Message-----

From: Julius Chris  
Sent: Thursday, April 01, 2004 12:21 PM  
To: Battocchi Ron; Ellingstad Vern; Pereira Charley; Cash James  
Cc: Campbell Daniel  
Subject: 9-11 Commission visit to NTSB

FYI -- the attached letter went out this morning. Chris

-----Original Message-----

From: Battocchi Ron  
Sent: Wednesday, March 31, 2004 5:51 PM  
To: Ellingstad Vern; Pereira Charley  
Cc: Cash James; Campbell Daniel; Julius Chris  
Subject: RE: Coordination Justice and 9-11 Commission

Attached is the request I received this afternoon from the Commission. Seems reasonable to me.

-----Original Message-----

From: Ellingstad Vern  
Sent: Tuesday, March 30, 2004 8:22 AM  
To: Pereira Charley  
Cc: Cash James; Campbell Daniel; Julius Chris; Battocchi Ron  
Subject: RE: Coordination Justice and 9-11 Commission

The request should be addressed to Ron Battocchi and should address the arrangements for, and Justice Department/FBI approval of use of the CVR. I trust that the Commission will specifically identify the personnel who intend to view the animation.

-----Original Message-----

From: Pereira Charley  
Sent: Monday, March 29, 2004 10:44 AM  
To: Cash James; Campbell Daniel; Ellingstad Vern; Julius Chris  
Subject: FW: Coordination Justice and 9-11 Commission

To recap, John Raidt, a Commission staffer on their "Team 7", approached me over 2 weeks ago asking for my opinion of the Commission wanting to do a UA93 simulation with the real UA93 CVR audio at UAL simulator facilities with UAL staff running the show. This UAL effort was reportedly offered up by Ed Soliday, a former UAL safety manager. I advised Raidt that I would be surprised if UAL would be allowed to perform that kind of work on something as sensitive as the UA93 FDR & CVR, but that I would speak with our staff and UAL staff and get back to him.

Jeff Plantz, the #2 safety guy at UAL, advised me that he was not aware of any such offer from UAL. He subsequently called me back and left a message indicating he had figured out UAL's involvement in this, and I have left two messages for him seeking clarification.

I spoke with Cash about this and advised Raidt that we had already done an animation with CVR excerpts and that we had the ability to play back the CVR audio synchronously with the animation, while maintaining separation of media for security purposes. I advised Raidt that if the Commission was firm in their desire to see a UA93 animation with CVR audio played back synchronously, I thought the NTSB HQ lab would be the best place to do the effort. I explained the sensitivity of CVR audio, the laws and regulations surrounding release of CVR audio, the historical concerns of pilot unions and families, and NTSB's efforts to get cockpit video recorders, which could be hampered by a leak of UA93 CVR audio.

Per my discussions with Cash wherein Cash indicated we could do the playback but would need permission from our FBI contacts, I advised Raidt that if the Commission wanted to do this that the Commission should write a formal letter to their FBI contact explaining that they wanted to play back the UA93 animation and CVR audio synchronously at NTSB HQ labs. I explained to Raidt that the NTSB would need to hear directly from the FBI that it was OK to perform this playback for the Commission, and Raidt said he would relay the info to the Commission "front office". Again, that was about 2 weeks ago. On March 23, Raidt relayed to the Commission's GC, Dan Marcus, with cc: to me, that the NTSB did not yet have word from FBI that it was OK to do the playback, and that a formal letter was necessary.

As of Friday night, Raidt advised me that it was his understanding that Dan Marcus had spoken directly with Levin at Justice about the Commission's desire to do the playback work at NTSB HQ. Levin had reportedly indicated to Marcus that the playback at NTSB HQ was no problem, that no letter was necessary, and that he would advise the NTSB. I advised Raidt that Battocchi's discussion with Levin did not generate that understanding here at NTSB and we were not going to do the work until everything was formally resolved, and Raidt said he would speak with his people ASAP. I advised Raidt again that I thought a formal letter, as well as a follow-up conference call with Marcus, Levin, and Battocchi, would be best.

-----Original Message-----

From: Battocchi Ron  
Sent: Friday, March 26, 2004 2:18 PM  
To: Ellingstad Vern; Campbell Daniel; Cash James; Julius Chris; Pereira Charley  
Cc: Page Pereira Charlie (Arch)  
Subject: RE: Coordination Justice and 9-11 Commission

Not to my knowledge.

-----Original Message-----

From: Ellingstad Vern  
Sent: Friday, March 26, 2004 2:10 PM  
To: Battocchi Ron; Campbell Daniel; Cash James; Julius Chris; Pereira Charley  
Cc: Page Pereira Charlie (Arch)  
Subject: Re: Coordination Justice and 9-11 Commission

-----Original Message-----

From: Battocchi Ron <BATTOCR@ntsb.gov>

To: Campbell Daniel <Dan.Campbell@ntsb.gov>; Ellingstad Vern <Ellingv@ntsb.gov>; Cash James <cashj@ntsb.gov>; Julius Chris <juliusc@ntsb.gov>; Pereira Charley <pereirc@ntsb.gov>

CC: Page Pereira Charlie (Arch) <8662471978@archwireless.net>

Sent: Fri Mar 26 09:41:43 2004

Subject: Coordination Justice and 9-11 Commission

(b)(6)

Spoke with Dan Levin [REDACTED] at Justice who is coordinating with the 9-11 Commission. He wasn't sure what needed to be done to proceed with the Commission's work with us. I explained the background on our production of material for the Commission last summer after we obtained approval from the FBI and that we have treated the CVR audio and final draft transcript as a matter directly between the Commission and the FBI. Mr Levin thought the FBI could provide the Commission with a copy of the CVR and I told him we would then proceed to entertain a formal request from the Commission for the work I understood they wanted to do here. He appreciated the information and said he would contact the Commission.





4:16 PM

NO. 639 P. 2/3

Thomas H. Kean  
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James R. Thompson

Philip D. Zelikow  
EXECUTIVE DIRECTOR

April 20, 2004

Mr. Ron Battocchi  
General Counsel  
National Transportation Safety Board  
490 L'Enfant Plaza E, SW  
Washington, DC 20594

Dear Mr. Battocchi:

As you know, the National Commission on Terrorist Attacks Upon the United States, through Charles Pereira and Jim Cash, and through the Department of Justice, has made arrangements to view a time-synchronous playback of the United Airlines flight 93 (UA93) CVR audio recording and the NTSB animation with CVR excerpts. The NTSB's animation of American Airlines flight 77 will also be reviewed after the UA93 playback.

The playback effort is scheduled for Thursday, April 22, 2004, at 9:30 a.m. in the NTSB's Vehicle Recorders Division laboratory. The FBI has advised the Commission that [REDACTED] will be transporting the UA93 CVR recording to the NTSB lab for this effort.

(b)(6)  
(b)(7)(C)

Attached is a list of Commission staff that plan to attend the playback effort. If there are any additions to this list, Commission staff member John Raidt will contact you. If you have any questions, please contact Mr. Raidt at (202) 401-1713.

Thank you for your continued cooperation in this important matter.

Sincerely,

  
[REDACTED]  
Daniel Marcus  
General Counsel

301 7th Street SW, Room 5125  
Washington, DC 20407  
T 202.331.4060 F 202.296.5545  
www.9-11commission.gov

26 Federal Plaza  
Suite 13-100  
New York, NY 10278  
T 212.264.1505 F 212.264.1595

**9-11 Commission staff participants for NTSB Animation Briefing:**

1. Philip Zelikow
2. Chris Kojm
3. John Raidt
4. Bill Johnstone
5. Gerald Dillingham
6. Charley Periera
7. Miles Kara
8. Tom Dowling
9. Sarah Linden
10. Raj De
11. Dieter Snell
12. Kevin Shaeffer
13. John Azzarello
14. Steve Dunne
15. Lisa Sullivan



## **FAX COVER SHEET**

**To:** Ron Battochi  
c/o Jim Cash  
**From:** Lisa Sullivan  
9-11 Commission

**Fax No.:** (202) 314-6599  
**Office Tel.:** (202) 401-1770  
**Unclassified Fax:** (202) 358-3124

**Date:** April 20, 2004

**Pages (including cover):** 3

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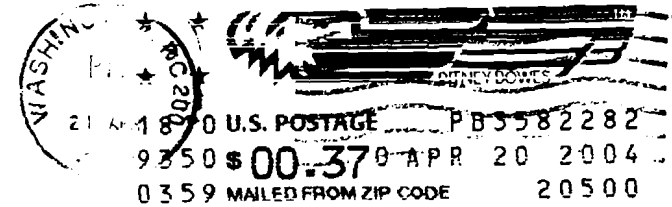
301 7<sup>th</sup> Street SW, Room 5125

Washington, DC 20407

www.9-11commission.gov

2004 APR 25 P 10:22

Mr. Ron Battocchi  
General Counsel  
National Transportation Safety Board  
490 L'Enfant Plaza E, SW  
Washington, DC 20594



From:  
Sent:  
To:  
Cc:  
Subject:

Julius Chris  
Thursday, July 17, 2003 11:08 AM  
[REDACTED]  
Julius Chris; Battocchi Ron  
NTSB production to the 9-11 commission

(b)(6)  
(b)(7)(C)

911 Commission NTSB  
document p... [REDACTED] and [REDACTED] --

(b)(6)  
(b)(7)(C)

We've revised our letter (attached) to reference our understanding that all material is encompassed by the Moussaoui non-disclosure agreement b/w Executive Branch and, per Pat's concerns, we've had all 17 folders (each containing several reports, CD-ROMS, documents/charts, and/or other recorded media) marked with a prominent label that reads: "NOTE: This material is included within the nondisclosure agreement for Moussaoui-related material reached between the 9-11 Commission and the Executive Branch."

(b)(6)  
(b)(7)(C) [REDACTED] does that satisfy FBI's concerns?

(b)(6)  
(b)(7)(C) [REDACTED] is it your understanding that Dave Novak and the Moussaoui team are still copasetic with this?

We're standing by,

Chris

Original Message-----

Referred to Dept. of  
Justice

Referred to Dept. of  
Justice

-----Original Message-----

From: BATTOCR@ntsb.gov [mailto:BATTOCR@ntsb.gov]  
Sent: Thursday, July 17, 2003 9:01 AM  
To: [REDACTED]  
Cc: julius@ntsb.gov  
Subject: RE: ntsb letter

(b)(6)  
(b)(7)(C)

[REDACTED] I am aware of our written agreements with the FBI not to disclose CVR information. These agreements were executed early in the investigation. I'm not aware of any formal agreement regarding Moussaoui materials, although we obviously would not produce any of our records without FBI/Justice permission. Attached is a copy of the letter we intend to send to the Commission transmitting the documents. Please advise us of any revisions you would like us to make.  
Ron

(b)(6)  
(b)(7)(C)

Referred to Dept. of  
Justice



RECEIVED NTSB  
OFFICE OF GENERAL COUNSEL

2004 APR -7 P 3:04

Thomas H. Kean  
CHAIR

March 31, 2004

Lee H. Hamilton  
VICE CHAIR

Mr. Ron Battocchi  
General Counsel  
National Transportation Safety Board  
490 L'Enfant Plaza E, SW  
Washington, DC 20594

Richard Ben-Veniste

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Timothy J. Roemer

James R. Thompson

Philip D. Zelikow  
EXECUTIVE DIRECTOR

Dear Mr. Battocchi,

As you know, United Airlines flight 93 crashed near Shanksville, PA, on September 11, 2001, after hijackers took control of the airplane. The National Transportation Safety Board (NTSB) read out the flight data recorder (FDR) and cockpit voice recorder (CVR) from United Airlines flight 93 and produced an animation of the flight with on-screen CVR excerpts in text format.

The National Commission on Terrorist Attacks Upon the United States would like to view a time-synchronous playback of the United Airlines flight 93 cockpit voice recorder (CVR) audio recording and the NTSB animation with CVR excerpts. We believe this playback effort would be best accomplished at the NTSB Vehicle Recorder Division lab and request that the NTSB make its Vehicle Recorder Division lab and necessary lab staff available to perform such a playback. If such playback is authorized, we will provide a list of people authorized to attend the playback.

We understand that the NTSB would prefer that we obtain the United Airline flight 93 CVR audio recording directly from the Federal Bureau of Investigation. A formal request has been made to the Bureau, and we plan to acquire the recording as soon as possible.

Please contact Commission staff member John Raidt (202-401-1713) or me (202-331-4065) at your earliest convenience to discuss this matter. Thank you in advance for your cooperation in this important matter.

Sincerely,

  
Daniel Marcus  
General Counsel

301 7<sup>th</sup> Street SW, Room 5125  
Washington, DC 20407

T 202.331.4060 F 202.296.5545

www.9-11commission.gov

cc: Daniel Levin, U.S. Department of Justice

26 Federal Plaza  
Suite 13-100

New York, NY 10278

T 212.264.1505 F 212.264.1595



301 7th Street SW, Room 5125  
Washington, DC 20407  
[www.9-11commission.gov](http://www.9-11commission.gov)

RECEIVED  
MAIL ROOM  
F.B.I.

2003 JUN 17 A 8:56

Mr. Ron Battocchi  
General Counsel  
National Transportation Safety Board  
490 L'Enfant Plaza E, SW  
Washington, DC 20594





March 19, 2003

MEMORANDUM FOR: SECRETARY OF STATE  
SECRETARY OF THE TREASURY  
SECRETARY OF DEFENSE  
ATTORNEY GENERAL  
SECRETARY OF THE INTERIOR  
SECRETARY OF TRANSPORTATION  
SECRETARY OF ENERGY  
SECRETARY OF HOMELAND SECURITY  
DIRECTOR OF CENTRAL INTELLIGENCE  
ARCHIVIST OF THE UNITED STATES

FROM: ANDREW H. CARD, JR., CHIEF OF STAFF

RE: COOPERATION WITH NATIONAL COMMISSION ON  
TERRORIST ATTACKS UPON THE UNITED STATES

On November 27, 2002 the President signed legislation (Public Law 107-306) creating in the legislative branch the bipartisan National Commission on Terrorist Attacks Upon the United States ("Commission"). The President has stated a clear policy of support for the Commission's work: "[a]n aggressive investigation into September 11th, with a responsible concern for sensitive information that will allow us to win the war on terror, will contribute to the security of this country."

To ensure that the Commission receives the necessary cooperation from Executive Branch departments and agencies, the Attorney General has designated at the President's request Adam G. Ciongoli, Counselor to the Attorney General, to serve as the primary liaison between the Executive Branch and the Commission. Mr. Ciongoli will facilitate Commission requests for access to Executive Branch information and witnesses and will help ensure that responses comply with applicable law.

Please designate an appropriate senior official within your department or agency to serve as the principal point of contact in your department or agency for Commission matters and to work with Mr. Ciongoli to coordinate all responses to requests for information or witnesses. Please inform the Attorney General in writing of the name of your designee no later than March 21, 2003.

Finally, this memorandum is directed to agencies whose jurisdiction relates to the subjects of inquiry specifically mentioned in the statute. It is also being provided to other Executive Branch departments and agencies so that they can take these steps at the appropriate time in the event they are requested to provide information to the Commission.

cc: Heads of Executive Departments and Agencies

# 9/11 Investigation Panel Subpoenas FAA Documents

By Dan Eggen  
Washington Post Staff Writer  
Thursday, October 16, 2003; Page A05

The independent panel investigating government failures before and after the Sept. 11, 2001, attacks issued its first subpoena for documents yesterday, demanding material from the Federal Aviation Administration and announcing that it will target other agencies that resist turning over information.

The National Commission on Terrorist Attacks Upon the United States also warned for the first time that it may seek an extension of its May 2004 deadline because persistent delays and obstacles threaten its ability to complete the investigation on time.

The developments brought to a head an increasingly contentious dispute between the 10-member bipartisan commission and the Bush administration, which initially opposed the panel's creation and has since been accused by the commission of dragging its feet in producing sensitive documents and witnesses. Legal experts said such quasi-independent panels rarely issue subpoenas, particularly ones aimed at federal agencies.

The panel's move could send the fight to the federal courts. And if Congress were to approve an extension of the deadline, the administration could face renewed debate over the terrorist strikes during the heat of a presidential reelection campaign.

"What we have here is a very angry commission," Chairman Thomas H. Kean (R), the former governor of New Jersey, said in an interview. "This is a sign that we are not loath to use a subpoena on other agencies if we need to. . . . Hopefully this will tell other agencies that haven't complied with our requests to get on the stick and do so."

After the FAA subpoena was announced, White House counsel Alberto R. Gonzales sent a memo to Cabinet members and agency heads ordering them to "ensure that you have fully satisfied your responsibility to cooperate with the Commission and to conduct a complete and thorough search for documents that may be covered by its requests."

The commission has been criticized recently by some relatives of Sept. 11 victims for not aggressively pursuing information. Kristen Breitweiser, the widow of World Trade Center victim Ronald Breitweiser, called the dispute with FAA "deeply, deeply disturbing."

The commission said in a statement that it voted to issue a subpoena after discovering through its own investigation that the FAA had not turned over dozens of boxes of material, including "various tapes, statements, interview reports and agency self-assessments."

In May, the commission asked for "all documents related to the FAA's tracking of hijacked airliners on 9/11," including communications with NORAD, the North American Aerospace Defense Command that dispatched fighter jets in response to the attacks. Officials said some of the documents center on whether air defenses were activated quickly enough.

The FAA said in a statement that it had turned over 40 boxes containing 150,000 pages of information this week and had not knowingly withheld any documents. FAA officials said their failure to turn over all documents was caused in part by the procedures the agency used to search for material. One official also said the process was delayed by a Justice Department review of materials related to the Zacarias Moussaoui case.

decision to formally subpoena the agency's records, a step we regard as unnecessary," the FAA statement said.

But Kean said the FAA's failure to turn over thousands of documents until this week marks a serious setback for the investigators who are examining aviation issues related to the attacks. Several commission officials said the panel nevertheless believed it had to issue a subpoena to ensure that no items had been left out.

"We were told that documents didn't exist and that we had everything we asked for, but our own research showed differently," Kean said. "I would rather feel that it was a lack of priority or knowledge of what they had, and not that they intentionally tried to hide things from us. But we don't know for sure."

The November 2002 statute that created the commission gave the chairman and vice chairman or a majority of members power to issue subpoenas.

"A subpoena would certainly signal to me that they were not satisfied with the response they were getting," said Eleanor Hill, who served as the executive director of a House-Senate inquiry into intelligence failures related to the terrorist attacks and issued a single subpoena during its 2002 inquiry. "Congressional committees expect federal agencies to respond without needing a subpoena," Hill said.

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**Julius Chris**

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**From:** Julius Chris  
**Sent:** Friday, September 26, 2003 2:49 PM  
**To:** 'Miles Kara'  
**Subject:** RE: Follow-on question

Miles, here is the answer from our RE staff:

FAA does indeed record primaries, but does not keep the information as to which antenna they come from (same for secondaries). Thus, there is no way to tell, from the data that the FAA provides, which antenna received a given return (which is something the commission appeared interested in). 84 RADES (USAF) does keep the site information in their data, so if one is interested in which antenna received a given return, one must use the 84 RADES data. The long-range ARSR antennas that feed data to 84 RADES are shared with the FAA, so the same returns will appear in both data sets. However, 84 RADES only receives data from selected antennas along the periphery of the USA, while FAA of course has ARSRs in the interior as well. Thus, there may be returns in FAA data that are from interior antennas and which may not appear in the 84 RADES data.

If one had enough patience, one could sort out the source of data in the FAA files by comparing each return to data in 84 RADES files. Returns that have no match in the 84 RADES data must be from interior antennas, and presumably there would be a short list of possibilities for which antenna provided those returns.

Let me know if I can provide more information. Also, we should have an answer regarding the other question you posed soon.

Regards,

Chris

-----Original Message-----

**From:** Miles Kara [mailto:mkara@9-11commission.gov]  
**Sent:** Thursday, September 25, 2003 12:48 PM  
**To:** 'Julius Chris'  
**Subject:** Follow-on question

Chris, we just got off the road and I am reviewing the draft MFR from our visit with your technicians and it appears we might be confused.

Concerning AA77 we wrote down that FAA does not record primary returns and that helps explain why there is no evidence, absent the FDR, on where AA77 was. However, for UA93 it appears that FAA did provide recorded data from ZDC that was primary only.

Could your experts please enlighten me as to what I'm missing here?

Thanks in advance,

Miles

09/26/2003

**From:** Battocchi Ron  
**Sent:** Thursday, October 16, 2003 9:19 AM  
**To:** Julius Chris  
**Subject:** FW: NOTE: Important Message from White House Counsel



Memo from Card re  
Commission.p...

FYI. I see no need to distribute further. There's an article in the Post today about the subpoena to the FAA. <http://www.washingtonpost.com/wp-dyn/articles/A32232-2003Oct15.html>

-----Original Message-----

**From:** [REDACTED] mailto:[REDACTED]  
**Sent:** Wednesday, October 15, 2003 4:40 PM  
**To:** [REDACTED] (E-mail); [REDACTED] (E-mail);  
[REDACTED] "battocr@ntsb.gov"; [REDACTED]  
**Subject:** NOTE: Important Message from White House Counsel

(b)(6)

(b)(7)(C)

Today, Judge Gonzalez sent the below memo to agency heads in connection with the subpoena issued by the Commission. Please review and distribute at your discretion.

October 15, 2003

**MEMORANDUM FOR**

SECRETARY OF STATE  
SECRETARY OF THE TREASURY  
SECRETARY OF DEFENSE  
ATTORNEY GENERAL  
SECRETARY OF THE INTERIOR  
SECRETARY OF TRANSPORTATION  
SECRETARY OF ENERGY  
SECRETARY OF HOMELAND SECURITY  
DIRECTOR OF CENTRAL INTELLIGENCE  
ARCHIVIST OF THE UNITED STATES

**CC: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

**FROM: ALBERTO R. GONZALES**  
**COUNSEL TO THE PRESIDENT**

**SUBJECT: COOPERATION WITH NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES**

As you know, the President has stated a clear policy of support for the work of the National Commission on Terrorist Attacks Upon the United States ("Commission"). On March 19, 2003, Chief of Staff Andrew Card sent you the attached memorandum directing cooperation with the Commission and requesting that you designate an appropriate senior official within your department or agency to serve as the principal point of contact for Commission matters.

The departments and agencies have made extraordinary efforts to cooperate with the Commission. By conservative estimate, more than 250 individuals in the Executive Branch - many of whom are also responsible for helping fight the war on terrorists of global reach - spend at least a significant part of their time directly supporting the

request was issued by the Commission in May 2003, the Executive Branch has produced or made available to the Commission more than 2,100,000 pages of documents, provided nearly 100 briefings, and facilitated nearly 300 interviews.

It is imperative that we see these strong efforts through to completion of the Commission's work. Please review the efforts your department or agency has made to date in responding to the Commission's requests to ensure that you have fully satisfied your responsibility to cooperate with the Commission and to conduct a complete and thorough search for documents that may be covered by its requests. It has recently come to my attention that the Commission has raised concerns about potential deficiencies in the document production efforts of certain departments and agencies and, in fact, has voted to issue a subpoena to one agency. Although we understand that the issues regarding that agency's document production are now largely resolved, the Chief of Staff expects departments and agencies to take document requests as seriously as a subpoena and to avoid such problems in the future.

Finally, please be certain that your staffs work closely with Daniel Levin, Counselor to the Attorney General, who serves as the primary liaison between the Executive Branch and the Commission, to make sure the Commission's requests are handled in a fulsome and expeditious manner.

**From:** Julius Chris  
**Sent:** Wednesday, September 17, 2003 3:54 PM  
**To:** Ritter James; Ellingstad Vern; Kolly Joseph; Cash James  
**Cc:** O'Callaghan John; Battocchi Ron  
**Subject:** RE: 9/11 Commission request for additional information

I spoke with Miles Kara per our discussion, and he understood the situation completely and felt comfortable using the raw data we supplied him. Miles asked for, and I agreed, that we meet him afterwards to give a "reality check" to his use of the raw data. I subsequently had a similar conversation with the deputy GC at the Commission. All are copasetic with the plan. I appreciate everyone's help today. Chris

-----Original Message-----

**From:** Ritter James  
**Sent:** Wednesday, September 17, 2003 11:40 AM  
**To:** Julius Chris; Ellingstad Vern; Kolly Joseph; Cash James  
**Cc:** O'Callaghan John  
**Subject:** RE: 9/11 Commission request for additional information

Here's a list of who worked on the project.

Onboard Recorders

Jim Cash  
Erin Gormley  
Dennis Grossi  
Cassy Johnson  
Sarah McComb  
Doug Brazy (video)

Airplane Performance

John O'Callaghan  
Dan Bower  
Dennis Crider (trajectories)

Flight Profiles

Jim Ritter

Recorded Radar Data

Alice Park  
Kris Bolte

ATC Radio Transcripts

Sandy Rowlett (AS)  
Bill English (AS)  
Joe Gregor

-----Original Message-----

**From:** Julius Chris  
**Sent:** Wednesday, September 17, 2003 11:15 AM  
**To:** Ellingstad Vern; Kolly Joseph; Cash James  
**Cc:** O'Callaghan John; Ritter James  
**Subject:** RE: 9/11 Commission request for additional information

2 works. Thanks.

-----Original Message-----

**From:** Ellingstad Vern  
**Sent:** Wednesday, September 17, 2003 11:08 AM  
**To:** Julius Chris; Kolly Joseph; Cash James  
**Cc:** O'Callaghan John; Ritter James  
**Subject:** RE: 9/11 Commission request for additional information

-----Original Message-----

**From:** Julius Chris  
**Sent:** Wednesday, September 17, 2003 10:40 AM  
**To:** Kolly Joseph; Ellingstad Vern; Cash James  
**Cc:** O'Callaghan John; Ritter James  
**Subject:** RE: 9/11 Commission request for additional information

I'd like to meet today if we can please.

-----Original Message-----

**From:** Kolly Joseph  
**Sent:** Wednesday, September 17, 2003 10:40 AM  
**To:** Ellingstad Vern; Cash James  
**Cc:** O'Callaghan John; Julius Chris; Ritter James  
**Subject:** RE: 9/11 Commission request for additional information

I will be asking O'Callaghan and Bower for a full accounting, and will be prepared with this information for this meeting.

-----Original Message-----

**From:** Ellingstad Vern  
**Sent:** Tuesday, September 16, 2003 5:18 PM  
**To:** Kolly Joseph; Cash James  
**Cc:** O'Callaghan John; Julius Chris; Ritter James  
**Subject:** 9/11 Commission request for additional information

We need to get together with Chris Julius to discuss the material that the Commission has requested, on the basis of John's bringing his working notes to the meeting last week. In preparation for this meeting I would like to know exactly what data, plots or other information that anyone who worked on this project kept in their possession.



**Julius Chris**

---

**From:** Miles Kara [mkara@9-11commission.gov]

**Sent:** Thursday, September 11, 2003 4:23 PM

**To:** 'Julius Chris'

**Cc:** jfarmer@9-11commission.gov; 'Dana Hyde'; sdunne@9-11commission.gov; 'Lisa Sullivan'

**Subject:** Briefing folloup

Chris, first of all let me again extend our appreciation to the very busy folks who took time to make sure we were informed.

Per that briefing and our agreement, please arrange for use to receive workpapers or other material sufficient to portray the complete radar coverage of UA93 by FAA radars, as established by NTSB.

We also appreciate the invitation to return, if required.

Miles Kara

09/11/2003

**From:** Battocchi Ron  
**Sent:** Friday, September 12, 2003 12:41 PM  
**To:** Julius Chris  
**Subject:** RE: Briefing

I see. I had read it to be [REDACTED] et al.

(b)(6)  
(b)(7)(C)

-----Original Message-----

**From:** Julius Chris  
**Sent:** Friday, September 12, 2003 11:05 AM  
**To:** Battocchi Ron  
**Subject:** RE: Briefing

That was my point.

-----Original Message-----

**From:** Battocchi Ron  
**Sent:** Friday, September 12, 2003 10:00 AM  
**To:** Julius Chris  
**Subject:** RE: Briefing

Chris, after we see the explanation, I think we'll need to review our response to the Moussai discovery requests.

-----Original Message-----

**From:** Julius Chris  
**Sent:** Thursday, September 11, 2003 5:55 PM  
**To:** Battocchi Ron  
**Subject:** FW: Briefing

-----Original Message-----

**From:** Julius Chris  
**Sent:** Thursday, September 11, 2003 5:09 PM  
**To:** Ellingstad Vern  
**Cc:** O'Callaghan John; Kolly Joseph; Cash James  
**Subject:** RE: Briefing folloup

That's OK, we all, including me, thought of it just a few seconds too late (as John was going for the notebook). For now, I would just like to know what the chart Miles was interested in is, and what the closest parallel in the FBI-delivered products is. I.e., [REDACTED]

[REDACTED] If so, perhaps that's all we need to do is tell Miles that. If not, I'll need to talk to FBI/DOJ contacts we've been working through on the 9-11 document requests. Thanks.

(b)(5)

-----Original Message-----

**From:** Ellingstad Vern  
**Sent:** Thursday, September 11, 2003 5:05 PM  
**To:** Julius Chris  
**Cc:** O'Callaghan John; Kolly Joseph; Cash James  
**Subject:** RE: Briefing folloup

I want to be certain what that plot is in relation to the stuff that was provided to the Commission, and cleared with the FBI. I don't want to arbitrarily withhold anything, but John's notes should not have been brought to the meeting -- I'm sorry that I did not make that clear in advance.

09/12/2003

**From:** Julius Chris

**Sent:** Thursday, September 11, 2003 4:31 PM

**To:** O'Callaghan John

**Cc:** Ellingstad Vern

**Subject:** FW: Briefing folloup

let me know what you guys would like to do ... is that sheet he saw sufficient? if so, i need to run it of the ladder at justice if it's not a product we gave to fbi. if that's the case, i'd like a brief explanation of what it is and what we gave fbi in lieu of it, and, if relevant, why. thanks.

-----Original Message-----

**From:** Miles Kara [mailto:mkara@9-11commission.gov]

**Sent:** Thursday, September 11, 2003 4:23 PM

**To:** 'Julius Chris'

**Cc:** jfarmer@9-11commission.gov; 'Dana Hyde'; sdunne@9-11commission.gov; 'Lisa Sullivan'

**Subject:** Briefing folloup

Chris, first of all let me again extend our appreciation to the very busy folks who took time to make sure we were informed.

Per that briefing and our agreement, please arrange for use to receive workpapers or other material sufficient to portray the complete radar coverage of UA93 by FAA radars, as established by NTSB.

We also appreciate the invitation to return, if required.

Miles Kara

09/12/2003

## Julius Chris

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**From:** Ellingstad Vern  
**Sent:** Thursday, September 04, 2003 5:31 PM  
**To:** Julius Chris; Cash James; O'Callaghan John; Bower Daniel  
**Cc:** Ritter James; Kolly Joseph  
**Subject:** RE: 9-11 commission briefing

OK, I would also like Jim Ritter and Joe Kolly to participate.

-----Original Message-----

**From:** Julius Chris  
**Sent:** Thursday, September 04, 2003 3:46 PM  
**To:** Ellingstad Vern; Cash James; O'Callaghan John; Bower Daniel  
**Subject:** 9-11 commission briefing

per talking with vern, i've tentatively set this up for 9/11 (ironically) at 1300 ... it's a tech briefing for expert staff working for the commission ... they will have a lot of questions. i recommend the re-1 conference room and the lab facility for locale. i've sensitized them to the need to predominately stay within explaining work ntsb has done (as opposed to new/independent analysis for 9-11 commission).

## Julius Chris

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**From:** Bower Daniel  
**Sent:** Tuesday, August 19, 2003 10:23 AM  
**To:** Julius Chris  
**Subject:** RE: Additional Question

Chris -

I am on vacation right now, and can follow up on this on thursday; if you need immediate answers, John O'callaghan can also help; we both worked the radar and FDR data;

Short answer to your previous, RADES was considered correct, and all other clocks adjusted accordingly.

LAtter

dan

-----Original Message-----

**From:** Julius Chris  
**To:** Bower Daniel  
**Sent:** 8/18/03 2:20 PM  
**Subject:** FW: Additional Question

same, per my other email. thanks.

-----Original Message-----

**From:** Cash James  
**Sent:** Monday, August 18, 2003 1:05 PM  
**To:** Julius Chris  
**Subject:** RE: Additional Question

Chris. I think Dan Bower would be a better source. I think he processed the radar track or maybe John O'Callaghan. I can ask if you like. Jim

-----Original Message-----

**From:** Julius Chris  
**Sent:** Monday, August 18, 2003 12:08 PM  
**To:** Cash James  
**Cc:** Battocchi Ron  
**Subject:** FW: Additional Question

Jim? Please respond through me (I'll forward the info to Miles). Chris

-----Original Message-----

**From:** Miles Kara [mailto:mkara@9-11commission.gov]  
**Sent:** Friday, August 15, 2003 7:48 AM  
**To:** 'Julius Chris'  
**Subject:** Additional Question

Chris,

I have another question/clarification to ask. The CD we have, marked Radar Data Disk 1 of 2. Is the massive text file concerning AA11 from 0840-0848 the raw text file from the ASR at NY TRACON? What does the acronym TA TU mean?

Given that the file is the ASR data, what can we say about the clock accuracy of that file, compared to the FAA side of the ARSR-4 JSS data?

Finally, is Track 243, in fact, AA11?

Miles

**Julius Chris**

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**From:** Cash James  
**Sent:** Monday, August 18, 2003 1:06 PM  
**To:** Julius Chris  
**Subject:** RE: Time difference

Dan would also be a better source. Jim

-----Original Message-----

**From:** Julius Chris  
**Sent:** Monday, August 18, 2003 12:34 PM  
**To:** Cash James  
**Cc:** Battocchi Ron  
**Subject:** FW: Time difference

jim, a precursor to my first forwarded series of questions. please respond through me (and I'll forward).  
Chris

-----Original Message-----

**From:** Miles Kara [mailto:mkara@9-11commission.gov]  
**Sent:** Monday, August 11, 2003 2:06 PM  
**To:** 'Julius Chris'  
**Cc:** 'Lisa Sullivan'; 'Dana Hyde'; jfarmer@9-11commission.gov; sdunne@9-11commission.gov; dcampagna@9-11commission.gov  
**Subject:** Time difference

Chris, good afternoon

I have a quick question on the NTSB Recorded Radar Data Study.

It is clear that NEADS clock was slow by 25.3 seconds. What is not clear is how that correction was applied, if at all.

For example, on page 3 NTSB establishes that "since the RADES data covers the entire east coast of the United States, the RADES data contained all of the data for all of the flights in a consistent time base."

Later on page 3, NTSB establishes that "in this study the time of day used as the standard time is from the USAF 84<sup>th</sup> RADES data."

Then on page 4, in the time correlation section, NTSB further establishes that "Times indicated with the USAF radar data were used as the reference time, and the FDR and ATC clocks were adjusted accordingly."

Does that mean that NTSB acknowledged the 25.3 second error and then adjusted the Air Traffic Control and Flight Data Recorder clocks to also be 25.3 seconds off?

In application, as we read the rest of the supporting material, what is the time that should be used, for example, with the impact of AA11 with the north tower, the ATC time or the RADES time. And, for another example, with the impact of AA77 with the Pentagon, the FDR time or the RADES time?

I think you can see our dilemma. Could some one please clarify for us the practical application of the time error noted that day for NEADS.

Thanks for your continued prompt support.

Miles Kara  
202 401-1648

00/01/2003

(b)(6)

First Name	Title	Company	Phone 1	Phone 2	Phone 3	Phone 4	Phone 5	Address	City	State	Zip Code	Country	Etc.	Etc.	Etc.	Note	Category
Miles		ny 9-11 Commission	202.401.1648	[redacted]													Unfiled

office  
cell  
→  
Kevin Shaefler  
Prod Staff  
202 401-1614

1.11 Commission 8

Reader issues re. Flight 77

Faa both provider of reader  
+ provider of assessment.

Re construction and assessment  
of reader performance.

Independent of former commission -  
working independent of NTSB.

Contact from:  
Sim Hall

Non- of other  
agencies or  
executed non



## MEMORANDUM OF UNDERSTANDING

Charles Pereira  
Senior Aerospace Engineer  
Office of Research and Engineering  
Vehicle Performance Division  
National Transportation Safety Board (NTSB)

This Memorandum sets forth the agreement between the National Transportation Safety Board, Vehicle Performance Division; the National Commission on Terrorist Attacks Upon the United States; and Senior Aerospace Engineer Charles Pereira regarding a 90-day temporary duty detail to be served by Mr. Pereira from February 2004 through May 2004. During this detail, the following terms and conditions apply:

1. **Location**: The detail location shall be in the National Commission on Terrorist Attacks Upon the United States in Washington, D.C. However, if Mr. Pereira desires, the National Commission has no objection to him working from his NTSB office.
2. **Continued Employment**: Mr. Pereira shall continue to be employed by NTSB with no break in Federal service. NTSB shall continue to pay Mr. Pereira's salary and benefits for the duration of this detail. At the conclusion of this detail, Mr. Pereira shall return to his former position with NTSB.
3. **Job Scope**: Technical investigation and assessment of various radar issues regarding the terrorist attacks of September 11, 2001. Specifically, with regards to the flight path of American Airlines Flight 77, provide independent validation and verification of FAA-produced radar data and radar data assessments.
4. **Performance Appraisal**: NTSB is responsible for the performance rating of Mr. Pereira. The National Commission will provide performance appraisal input.
5. **Travel Related Expenses**: The National Commission will reimburse Mr. Pereira for all official travel related expenses incurred during this detail.
6. **Termination**: This agreement may be terminated by any party upon reasonable written notice to the other parties.
7. **Notification**: No deviations from this Memorandum shall be authorized without the express written approval of the NTSB or the National Commission.

Vern Ellingstad, PhD.  
Director  
Office of Research and Engineering  
National Transportation Safety Board  
Date: \_\_\_\_\_

Philip D. Zelikow  
Executive Director  
National Commission on Terrorist  
Attacks Upon the United States  
Date: \_\_\_\_\_

\_\_\_\_\_  
Joseph Kolly, PhD.  
Chief  
Vehicle Performance Division  
National Transportation Safety Board  
Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Pereira  
Senior Aerospace Engineer  
Vehicle Performance Division  
National Transportation Safety Board  
Date: \_\_\_\_\_

11 FEB 07  
Chairman Conners,

Attached is a draft MOV that was provided to Mr. Pereira from the National Commission on Terrorist Attacks upon the United States.

I am reviewing this document with our General Counsel. I expect to report back to you today regarding Mr. Pereira's appointment.

Thank you,

Joseph Kelly

x6622

NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C. 20594

OFFICE OF GENERAL COUNSEL

5/13/04

J Cash offered Trans-Vision  
Chairs, had FBI report in  
charge of 9-11 investigation, copy  
of <sup>intermediate</sup> radar  
data given to CP for

9-11 Commission FBI ok

W/ that was PJS (copy)

FBI declined JCS offer of  
copy of radar data provided

**From:** Julius Chris  
**Sent:** Thursday, July 31, 2003 11:09 AM  
**To:** 'mkara@9-11commission.gov'  
**Cc:** 'Lisa Sullivan'; [REDACTED] Battocchi Ron  
**Subject:** RE: Question regarding NTSB data files

(b)(6)  
(b)(7)(C)

Miles:

Here's the e-mail you requested setting forth the information we just told you over the phone. Our recorder laboratory specialist advises that:

"The DFDR recorded magnetic heading on this aircraft is only sampled once per second so I can only resolve the heading value to the nearest whole second.

at 9:34:01 the aircraft is still on a stable easterly heading. between that time and the next second 9:34:02 the aircraft's heading is starting to increase (right turn)."

Let me know if that does not answer your query.

Regards,

Christopher Julius

-----Original Message-----

**From:** Lisa Sullivan [mailto:lsullivan@9-11commission.gov]  
**Sent:** Wednesday, July 30, 2003 4:00 PM  
**To:** juliusc@ntsb.gov  
**Subject:** FW: Question regarding NTSB data files

-----Original Message-----

**From:** Miles Kara [mailto:mkara@9-11commission.gov]  
**Sent:** Tuesday, July 29, 2003 4:43 PM  
**To:** 'Lisa Sullivan'  
**Subject:** RE: Question regarding NTSB data files

Lisa, please forward.

Chris, actually I need the time in fractions of a second. It appears that the technical data should tell us the precise moment that the airframe makes the first move that initiates that turn. Can we get that precise point in relationship to the technical data recovered from the FDR?

Thanks,

Miles

-----Original Message-----

**From:** Lisa Sullivan [mailto:lsullivan@9-11commission.gov]  
**Sent:** Tuesday, July 29, 2003 4:28 PM

07/31/2003

**Subject:** FW: Question regarding NTSB data files

-----Original Message-----

**From:** Julius Chris [mailto:juliusc@ntsb.gov]

**Sent:** Tuesday, July 29, 2003

07/31/2003

**Julius Chris**

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**From:** Marcus Jeffrey  
**Sent:** Thursday, September 04, 2003 3:15 PM  
**To:** Rosenberg Jim; Julius Chris  
**Subject:** RE: Cockpit doors.

Attached are all recommendations that concern cockpit doors. At the July 2003 SPRB there was a safety accomplishment awarded for an issue with cockpit doors. Below is a summary of that accomplishment.

Jeff

## ***Accomplishment ASA 2003-30***

### ***Deepak Joshi, Brannon Mayer, Dave Bowling***

**Incident:** On June 10, 2003, a Boeing 757-200, operating as American Airlines flight 2885, was in a cruise flight at 35,000 feet, 34 miles south of Dodge City, Kansas, when the captain was struck on the head by a portion of the cockpit door, rendering him incapacitated. The airplane proceeded to Denver, Colorado, where the first officer made an uneventful landing. The captain sustained minor injuries. The first officer, 3 flight attendants, and 93 passengers on board the airplane were not injured.

**Accomplishment:** As a result of the investigators' efforts, the FAA issued Airworthiness Directive (AD) 2003-14-04 that mandated within 90 days the modification of the upper and lower pressure relief latch assembly on the flight deck door by accomplishing instructions in C&D Aerospace Service Bulletins B221001-52-03 and B231001-52-02 applicable to Boeing 737, 757, DC-10 and MD-11 aircraft.

-----Original Message-----

**From:** Rosenberg Jim  
**Sent:** Thursday, September 04, 2003 1:58 PM  
**To:** Marcus Jeffrey  
**Cc:** Julius Chris  
**Subject:** Cockpit doors.

Jeff,

Chris was inquiring about any recommendations that we may have issued on cockpit door or reinforcing cockpit doors. Could you take a look in the database and get back to him? Thanks. I could not recall anything.

Jim

09/04/2003

# Recommendation Report

Thursday, September 04, 2003

MODE:AVIATION KEYWORD 1:cockpit KEYWORD 2:door

**Log Number 0845**

**Issue Date 7/13/1977**

**NEW YORK NY**

**5/16/1977**

ON MAY 16, 1977, A NEW YORK AIRWAYS SIKORSKY S61L HELICOPTER OVERTURNED DURING PASSENGER OPERATIONS ON A HELIPORT ATOP THE PAN AMERICAN BUILDING IN NEW YORK CITY. AS YOU KNOW, THE ACCIDENT RESULTED FROM A FAILURE OF A PORTION OF THE RIGHT LANDING GEAR.

**Recommendation # A-77-051**

**Overall Status  
CAA**

**Priority  
CLASS II**

REQUIRE THAT THE SLIDING COCKPIT DOOR ON THE SIKORSKY S61 HELICOPTER BE REMOVED OR RETAINED OPEN SO THAT IT CANNOT OBSTRUCT THE ENTRANCE FROM THE COCKPIT TO THE CABIN AREA.

FAA

Closed - Acceptable Action

6/22/1978

9/30/1977 Addressee

FAA LTR: WE DISCUSSED THIS RECOMMENDATION WITH NEW YORK AIRWAYS, THE ONLY AIR CARRIER OPERATOR USING SIKORSKY S-61 HELICOPTERS. THEY HAVE AGREED TO REPLACE THE SLIDING COCKPIT DOORS WITH MANUFACTURER SUPPLIED FRANGIBLE CURTAINS. IN ADDITION, WE ARE PREPARING AN OPERATIONS BULLETIN WHICH WILL DIRECT FAA FIELD INSPECTORS TO RECOMMEND TO ALL OPERATORS OF SIKORSKY S-61 HELICOPTERS THAT SLIDING COCKPIT DOORS BE REMOVED OR RETAINED OPEN. WE EXPECT THIS BULLETIN TO BE ISSUED WITHIN THE NEXT 60 DAYS. 2/21/78 - FAA LTR: NEW YORK AIRWAYS REMOVED THE SLIDING DOORS FROM THEIR AIRCRAFT. WE ISSUED OPERATIONS BULLETIN 77-5 INSTRUCTING INSPECTORS TO NOTIFY OTHER OPERATORS OF S-61 AIRCRAFT.

6/22/1978 NTSB

Closed--acceptable action.



# Recommendation Report

Thursday, September 04, 2003

MODE:AVIATION KEYWORD 1:cockpit KEYWORD 2:door

Log Number 2710

Issue Date 9/14/1998

BRYCE CANYON UT

10/15/1997

ON 10/15/97, ABOUT 1030 MOUNTAIN DAYLIGHT TIME, CESSNA P210N, N731NX, OPERATED BY THE SHERIFF'S DEPARTMENT OF MESA COUNTY, COLORADO, EXPERIENCED AN IN-FLIGHT ELECTRICAL FIRE WHILE CRUISING AT 16,500 FEET OVER BRYCE CANYON, UTAH. THE COMMERCIAL PILOT INITIATED AN EMERGENCY DESCENT & LANDED UNEVENTFULLY IN BRYCE CANYON WITH MINOR DAMAGE. THE PILOT & HIS PASSENGER WERE NOT INJURED. VISUAL METEOROLOGICAL CONDITIONS PREVAILED, & A VISUAL FLIGHT RULES FLIGHT PLAN HAD BEEN FILED. THE PUBLIC-USE FLIGHT WAS CONDUCTED UNDER TITLE 14 CODE OF FEDERAL REGULATIONS PART 91, & ORIGINATED FROM GRAND JUNCTION, COLORADO, ABOUT 60 MINUTES BEFORE THE INCIDENT. THE BOARD IS AWARE OF TWO SIMILAR ACCIDENTS INVOLVING ELECTRICAL FIRE, ON 11/20/97 NEAR BURLINGTON, KANSAS & ON 6/25/98 NEAR ITHACA, NEW YORK.

Recommendation # A-98-110

Overall Status  
CAA

Priority

THE NTSB RECOMMENDS THAT THE FAA: REVIEW ALL SUPPLEMENTAL TYPE CERTIFICATES THAT PROVIDE FOR THE INSTALLATION OF ELECTRIC DOOR SEAL INFLATION PUMP SYSTEMS MANUFACTURED BY BOB FIELDS AEROCESSORIES, & REQUIRE REVISIONS, AS NECESSARY, TO ENSURE THAT THE HAZARDS ASSOCIATED WITH IN-FLIGHT FIRE & OR SMOKE IN THE COCKPIT DURING FLIGHT ARE ELIMINATED. EXISTING SYSTEMS SHOULD BE REQUIRED TO COMPLY WITH THOSE INSTRUCTIONS BEFORE THEY ARE PLACED BACK INTO SERVICE.

FAA

Closed - Acceptable Action

6/27/2000

10/27/199 Addressee Letter Mail Controlled 10/30/98 1:04:57 PM MC# 981305 THE FAA IS REVIEWING THE DESIGN FEATURES OF ALL SUPPLEMENTAL TYPE CERTIFICATES HELD BY BOB FIELDS AEROCESSORIES, WHICH INSTALL ELECTRIC DOOR SEAL INSTALLATION SYSTEMS IN 14 CFR APRT 23 AIRPLANES. THE REVIEW WILL INCLUDE INVESTIGATING ALL POTENTIAL UNSAFE CONDITIONS AND FAILURE MODES OF THE SYSTEMS AND THEIR INSTALLATION PROVISIONS AND INSTRUCTIONS. IF POTENTIAL UNSAFE CONDITIONS ARE DETERMINED TO EXIST, THE CERTIFICATE HOLDER WILL BE REQUIRED TO DEVELOP APPROPRIATE CORRECTIVE ACTION FOR ALL SYSTEMS NOW INSTALLED. ADDITIONALLY, PRIORITY LETTER AD 98-21-21 REQUIRES THAT NO SYSTEM THAT HAS BEEN DEACTIVATED BY THE AD WILL BE ALLOWED TO BE REACTIVATED UNTIL MODIFIED IN ACCORDANCE WITH FAA-APPROVED MODIFICATION INSTRUCTIONS. THE AD ALSO PROHIBITS NEW SYSTEMS FROM BEING INSTALLED UNTIL FAA APPROVED MODIFICATIONS INSTRUCTIONS THAT ELIMINATE ANY UNSAFE CONDITIONS HAVE BEEN RELEASED TO THE FIELD. I WILL KEEP THE BOARD INFORMED OF THE FAA'S PROGRESS ON THIS SAFETY RECOMMENDATION.

1/15/1999 NTSB A-98-110 ASKED THE FAA TO REVIEW ALL SUPPLEMENTAL TYPE CERTIFICATES THAT PROVIDE FOR THE INSTALLATION OF ELECTRIC DOOR SEAL INFLATION PUMP SYSTEMS MANUFACTURED BY BOB FIELDS AEROCESSORIES AND REQUIRE REVISIONS, AS NECESSARY, TO ENSURE THAT THE HAZARDS ASSOCIATED WITH IN-FLIGHT FIRE AND/OR SMOKE IN THE COCKPIT ARE ELIMINATED. EXISTING SYSTEMS SHOULD BE REQUIRED TO COMPLY WITH THOSE INSTRUCTIONS BEFORE RETURNING TO SERVICE. PENDING THE COMPLETION OF THE FAA REVIEW OF POTENTIAL UNSAFE CONDITIONS OF THE BOB FIELDS ELECTRIC DOOR SEAL SYSTEMS ASSOCIATED WITH IN-FLIGHT FIRE AND/OR SMOKE IN THE COCKPIT, A-98-110 IS CLASSIFIED "OPEN-ACCEPTABLE RESPONSE."

# Recommendation Report

Thursday, September 04, 2003

MODE:AVIATION KEYWORD 1:cockpit KEYWORD 2:door

6/10/1999 Addressee Letter Mail Controlled 6/14/99 4:45:42 PM MC# 990642 THE FAA ISSUED PRIORITY LETTER AIRWORTHINESS DIRECTIVE (AD) 98-21-21, WHICH REQUIRES THAT NO SYSTEM THAT HAS BEEN DEACTIVATED BY THE AD WILL BE ALLOWED TO BE REACTIVATED UNTIL MODIFIED IN ACCORDANCE WITH FAA-APPROVED MODIFICATION INSTRUCTIONS. THE AD ALSO PROHIBITS NEW SYSTEMS FROM BEING INSTALLED UNTIL FAA-APPROVED MODIFICATION INSTRUCTIONS THAT ELIMINATE ANY UNSAFE CONDITIONS HAVE BEEN RELEASED TO THE FIELD. THE FAA IS CONTINUING ITS REVIEW OF THE DESIGN FEATURES OF THE 30 RELATED SUPPLEMENTAL TYPE CERTIFICATES (STC) HELD BY BOB FIELDS AEROCESSORIES. IN THE MEANTIME, BOB FIELDS AEROCESSORIES HAS DEVELOPED A SERVICE BULLETIN FOR THE STC'S, WHICH INCLUDES A NEWLY DESIGNED AIR PUMP AND NEW WIRING SCHEMATIC THAT ELIMINATES THE OLD PUMP AND THE NEED FOR RESISTORS. WHEN THE FAA COMPLETES THE REVIEWS OF THE STC'S, APPROPRIATE ACTIONS TO MODIFY OR SUPERSEDE THE EXISTING STC'S WILL BE TAKEN.

7/28/1999 NTSB A-98-110 ASKED THE FAA TO REVIEW ALL SUPPLEMENTAL TYPE CERTIFICATES (STC) THAT PROVIDE FOR THE INSTALLATION OF ELECTRIC DOOR SEAL INFLATION PUMP SYSTEMS MANUFACTURED BY BOB FIELDS AEROCESSORIES, AND REQUIRE REVISIONS, AS NECESSARY, TO ENSURE THAT THE HAZARDS ASSOCIATED WITH IN-FLIGHT FIRE AND/OR SMOKE IN THE COCKPIT DURING FLIGHT ARE ELIMINATED. EXISTING SYSTEMS SHOULD BE REQUIRED TO COMPLY WITH THOSE INSTRUCTIONS BEFORE THEY ARE PLACED BACK INTO SERVICE. PENDING THE FAA'S COMPLETION OF ITS REVIEW AND THE APPROPRIATE MODIFICATION OF THOSE STC'S THAT PROVIDE FOR THE INSTALLATION OF ALL ELECTRIC DOOR SEAL INFLATION PUMP SYSTEMS MANUFACTURED BY BOB FIELDS AEROCESSORIES, A-98-110 IS CLASSIFIED "OPEN-ACCEPTABLE RESPONSE."

1/5/2000 Addressee Letter Mail Controlled 01/10/2000 4:38:05 PM MC# 2000041 THE FAA WORKED WITH BOB FIELDS AEROCESSORIES TO DEVELOP ACCEPTABLE MODIFICATIONS THAT WILL ALLOW MODIFICATION AND UTILIZATION OF THE INFLATABLE DOOR SEAL SYSTEMS. BOB FIELDS AEROCESSORIES ISSUED SERVICE BULLETIN BFA-001 ON 1/11/99, THAT REQUIRES REPLACEMENT OF THE PUMP AND RESISTOR SYSTEM BEFORE THE SYSTEM CAN BE REACTIVATED. THE FAA APPROVED THE BULLETIN AS AN ALTERNATE METHOD OF COMPLIANCE WITH PRIORITY LETTER AIRWORTHINESS DIRECTIVE (AD) 98-21-21, WHICH REQUIRES DEACTIVATING THE ELECTRICAL DOOR SEAL INFLATION SYSTEM FOR ALL AIRCRAFT EQUIPPED WITH BOB FIELDS AEROCESSORIES INFLATABLE DOOR SEALS. ON 10/22/99, THE FAA ISSUED A NOTICE OF PROPOSED RULEMAKING (NPRM) PROPOSING TO REVISE AD 98-21-21 TO INCORPORATE THE MODIFICATION BY BOB FIELDS AEROCESSORIES. THE NPRM PROPOSES TO INCORPORATE THIS MODIFICATION AS A METHOD OF COMPLYING WITH AD 98-21-21 AND WOULD EXCLUDE THOSE AIRPLANES WITH MANUAL DOOR SEAL INFLATION SYSTEMS FROM THE REQUIREMENTS OF DEACTIVATING THE SYSTEM. I HAVE ENCLOSED A COPY OF THE NPRM FOR THE BOARD'S INFORMATION. I WILL PROVIDE THE BOARD WITH A COPY OF THE FINAL AD AS SOON AS IT IS ISSUED.

2/23/2000 NTSB PENDING ISSUANCE OF AN AD AS DESCRIBED, A-98-110 REMAINS CLASSIFIED "OPEN-ACCEPTABLE RESPONSE."

# Recommendation Report

Thursday, September 04, 2003

MODE:AVIATION KEYWORD 1:cockpit KEYWORD 2:door

5/1/2000 Addressee Letter Mail Controlled 05/09/2000 1:37:53 PM MC# 2000610 THE FAA WORKED WITH BOB FIELDS AEROCESSORIES TO DEVELOP ACCEPTABLE MODIFICATIONS THAT WILL ALLOW MODIFICATION AND UTILIZATION OF THE INFLATABLE DOOR SEAL SYSTEMS. BOB FIELDS AEROCESSORIES ISSUED SERVICE BULLETIN BFA-001 ON 1/11/99, THAT REQUIRES REPLACEMENT OF THE PUMP AND RESISTOR SYSTEM BEFORE THE SYSTEM CAN BE REACTIVATED. THE FAA APPROVED THE BULLETIN AS AN ALTERNATE METHOD OF COMPLIANCE WITH PRIORITY LETTER AIRWORTHINESS DIRECTIVE (AD) 98-21-21, WHICH REQUIRES DEACTIVATING THE ELECTRICAL DOOR SEAL INFLATION SYSTEM FOR ALL AIRCRAFT EQUIPPED WITH BOB FIELDS AEROCESSORIES INFLATABLE DOOR SEALS. ON 3/2/00, THE FAA ISSUED AD 98-21-21R1 TO INCORPORATE THE MODIFICATION BY BOB FIELDS AEROCESSORIES AS A METHOD OF COMPLYING WITH AD 98-21-21 AND EXCLUDES THOSE AIRPLANES WITH MANUAL DOOR SEAL INFLATION SYSTEMS FROM THE REQUIREMENTS OF DEACTIVATING THE SYSTEM. I HAVE ENCLOSED A COPY OF AD 98-21-21R1 FOR THE BOARD'S INFORMATION. I CONSIDER THE FAA'S ACTION TO BE COMPLETED ON THIS RECOMMENDATION.

6/27/2000 NTSB WITH THE ISSUANCE OF AD-98-21-21R1, THE FAA HAS COMPLETED THE ACTIONS RECOMMENDED. CONSEQUENTLY, A-98-110 IS CLASSIFIED "CLOSED—ACCEPTABLE ACTION."

# Recommendation Report

Thursday, September 04, 2003

MODE:AVIATION KEYWORD 1:cockpit KEYWORD 2:door

Log Number 0590

Issue Date 12/4/1974

LOS ANGELES CA

1/16/1974

ON JANUARY 16, 1974, A TRANS WORLD AIRLINES, INC., B-707 WAS INVOLVED IN AN ACCIDENT AT LOS ANGELES, CALIFORNIA. THE NATIONAL TRANSPORTATION SAFETY BOARD'S INVESTIGATION OF THE ACCIDENT DISCLOSED AN UNSAFE CONDITION WHICH SHOULD BE CORRECTED.

Recommendation # A-74-102

Overall Status  
CAA

Priority

AMEND 14 CFR 25.772 TO REQUIRE THAT PILOT COMPARTMENT DOORS BE DESIGNED TO PROVIDE A MEANS FOR THE COCKPIT CREW TO EGRESS THROUGH THE DOORWAY TO THE CABIN, EVEN IF THE DOOR BECOMES JAMMED.

FAA

Closed - Acceptable Action

5/3/1982

1/29/1975 Addressee FAA LTR: WE ARE EVALUATING THE PROBLEM IDENTIFIED IN THE RECOMMENDATIONS TO DETERMINE WHETHER A REGULATORY PROJECT IS FEASIBLE. WE WILL APPRECIATE RECEIVING DETAILED INFORMATION ON THE FOUR SIMILAR OCCURRENCES CITED IN THE RECOMMENDATION BACKGROUND MATERIAL AND ANY INFORMATION WHICH YOU MAY HAVE CONCERNING INJURIES SUSTAINED AS A RESULT OF JAMMED COCKPIT DOORS.

2/24/1975 NTSB

4/25/1975 Addressee FAA LTR: THE RECOMMENDATIONS HAVE BEEN ENTERED IN THE FIRST BIENNIAL OPERATIONS REVIEW PROGRAM (1975-1976) AS PRESENTED IN THE FEDERAL REGISTER FEBRUARY 28, 1975. YOU WILL RECEIVE THE COMPILATIONS FOR THE REVIEW BY MAY 30, 1975. NOTE: THE AMENDMENT TO 14 CFR 121.439 WAS PUBLISHED IN THE FEDERAL REGISTER, VOL. 43, PAGE 22648 OF 5/25/78.

12/1/1981 Addressee FAA LTR: A FINAL RULE (OPERATIONS REVIEW PROGRAM: AMENDMENT NO. 10) HAS BEEN ISSUED AMENDING SECTION 25.772 OF THE FEDERAL AVIATION REGULATIONS. THE AMENDMENT TO SECTION 25.772(A) STATES: "HOWEVER, FOR PASSENGER CONFIGURATION, MEANS MUST BE PROVIDED TO ENABLE FLIGHT CREWMEMBERS TO DIRECTLY ENTER THE PASSENGER COMPARTMENT FROM THE PILOT COMPARTMENT IF THE COCKPIT DOOR BECOMES JAMMED.

5/3/1982 NTSB

Closed-acceptable action.

Recommendation # A-74-103

Overall Status  
CUA

Priority

AMEND 14 CFR 121.313 TO REQUIRE THAT, AFTER A REASONABLE DATE, A MEANS BE PROVIDED FOR THE COCKPIT CREW TO EXIT THROUGH THE PILOT COMPARTMENT DOOR TO THE CABIN EVEN IF THE DOOR BECOMES JAMMED.

FAA

Closed - Unacceptable Action

12/20/1982

1/29/1975 Addressee FAA LTR: WE ARE EVALUATING THE PROBLEM IDENTIFIED IN THE RECOMMENDATIONS TO DETERMINE WHETHER A REGULATORY PROJECT IS FEASIBLE. WE WILL APPRECIATE RECEIVING DETAILED INFORMATION ON THE FOUR SIMILAR OCCURRENCES CITED IN THE RECOMMENDATION BACKGROUND MATERIAL AND ANY INFORMATION WHICH YOU MAY HAVE CONCERNING INJURIES SUSTAINED AS A RESULT OF JAMMED COCKPIT DOORS.

2/24/1975 NTSB

# Recommendation Report

Thursday, September 04, 2003

MODE:AVIATION KEYWORD 1:cockpit KEYWORD 2:door

4/25/1975 Addressee FAA LTR: THE RECOMMENDATIONS HAVE BEEN ENTERED IN THE FIRST BIENNIAL OPERATIONS REVIEW PROGRAM (1975-1976) AS PRESENTED IN THE FEDERAL REGISTER FEBRUARY 28, 1975. YOU WILL RECEIVE THE COMPILATIONS FOR THE REVIEW BY MAY 30, 1975. NOTE: THE AMENDMENT TO 14 CFR 121.439 WAS PUBLISHED IN THE FEDERAL REGISTER, VOL. 43, PAGE 22648 OF 5/25/78.

12/1/1981 Addressee FAA LTR: THIS RECOMMENDATION IS ADDRESSED IN OPERATIONS REVIEW PROGRAM: AMENDMENT NO. 10, PROPOSAL 10-5. THE FEDERAL AVIATION ADMINISTRATION HAS DETERMINED THAT THE BENEFITS OF THE RECOMMENDED CHANGE TO 14 CFR 121.313 WOULD NOT JUSTIFY THE ECONOMIC BURDEN THAT WOULD RESULT AND HAS WITHDRAWN THE PROPOSED RULE.

5/3/1982 NTSB

6/21/1982 Addressee FAA LTR: AS NOTED IN OUR RESPONSE OF DECEMBER 1, 1981, THE FAA HAD DETERMINED THAT THE BENEFITS OF THE RECOMMENDED CHANGE TO 14 CFR 121.313 WOULD NOT JUSTIFY THE ECONOMIC BURDEN THAT WOULD RESULT. AS WAS STATED IN THE FAA'S WITHDRAWAL NOTICE (44 FR 61323, OCTOBER 24, 1979), ONE COMMENTER ESTIMATED A COST OF \$100,000 PER AIRCRAFT TO DESIGN, TEST, FABRICATE, INSTALL, AND CERTIFICATE SUCH A TYPE OF EGRESS TO MEET THE INTENT OF THE ESTIMATED PROPOSAL. IN ADDITION TO THIS ESTIMATE, THE FAA'S COST/BENEFIT ANALYSIS ESTIMATED \$700,000 TO BE THE RETROFIT COST. THE FAA ACKNOWLEDGES THAT THERE IS MERIT TO THE COMMENTERS' CONTENTIONS SINCE RETROFIT OF EXISTING AIRCRAFT WOULD BE DIFFICULT AND EXPENSIVE. ACCORDINGLY, THE PROPOSAL WAS WITHDRAWN. THEREFORE, IN ACCORDANCE WITH EXECUTIVE ORDER 12044 AND THE DEPARTMENT OF TRANSPORTATION'S REGULATORY POLICIES AND PROCEDURES, WHICH ARE INTENDED TO REDUCE THE UNNECESSARY BURDEN ON THE PUBLIC, THE FAA CONCLUDED THAT THE PROPOSAL WOULD HAVE IMPOSED FINANCIAL BURDENS ON THE PUBLIC NOT COMMENSURATE WITH AN INCREASE IN SAFETY.

12/20/198 NTSB Closed—unacceptable action.

## Julius Chris

---

**From:** sdunne@9-11commission.gov  
**Sent:** Wednesday, September 03, 2003 10:41 AM  
**To:** juliusc@ntsb.gov (b)(6)  
**Cc:** [REDACTED] dmarcus@9-11commission.gov; team8@9-11commission.gov; (b)(7)(C)  
dcampagna@9-11commission.gov  
**Subject:** NTSB Briefing Request No. 1



NTSB Briefing Request

No 1.doc...

Chris: Attached as a Word document is NTSB Briefing Request No. 1. Please call Miles Kara at 202-401-1648 with any questions about this request and to arrange for this briefing. Feel free to call Dan Marcus or me as well if any issues arise. Thanks. Steve



Thomas H. Kean  
CHAIR

Lee H. Hamilton  
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

Jamie S. Gorelick

Slade Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow  
EXECUTIVE DIRECTOR

## NTSB BRIEFING REQUEST NO. 1

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests an informal briefing from appropriate personnel at the National Transportation Safety Board (NTSB) relating to the NTSB's efforts in response to the aircraft hijacked on September 11, 2001. The purpose of this briefing is to gain an understanding of the NTSB's work related to the following topics:

1. The lack of radar and radio data from American Airlines Flight 77 during the period from 0856 to 0909 EDT on 9/11/01.
2. The determination of the flight path of American Airlines Flight 77 during that same time period.
3. The contribution of terminal and traffic control radar information to an understanding of the time and the force of the impacts of American Airlines Flight 11, American Airlines Flight 77, and United Airlines Flight 175 into their respective targets, and the accuracy of such radars as compared with en-route and joint surveillance system radars.
4. The accuracy of the time of impact of United Airlines Flight 93 as determined by the NTSB, as compared with publicly disclosed information citing a different time based on seismic data.
5. Other topics relating to the NTSB's efforts in response to the attacks of September 11, 2001, that the NTSB believes may assist the Commission in its work.

The requested briefing is for general background purposes only and will not be a substitute for later interviews the Commission and its staff may wish to conduct. The Commission asks that this briefing be scheduled at the earliest possible date.

September 3, 2003

Daniel Marcus  
General Counsel

From: Julius Chris  
Sent: Thursday, July 24, 2003 9:07 AM  
To: [REDACTED]  
Cc: Battocchi Ron  
Subject: RE: 9-11 Commission

] (b)(6)  
(b)(7)(C)

[REDACTED] --  
FYI -- at Dana Hyde's request, we are today "re-delivering" in standard DVD-format: (1) the UAL 93 and AA 77 animations (previously delivered on 2 separate mini DV cam tapes, now being delivered on 2 separate DVD-R discs), (2) WTC video (previously delivered on 1 VHS tape and 1 BETA tape, no being delivered on 1 DVD-R disc). NOTE: We did not reproduce the UAL 93 animation that included CVR text in DVD format, for our original production of that item was on CD-ROM format that can be accessed from any computer. TOTAL DVDs delivered today: 3.

Chris





## **First Interim Report of the National Commission on Terrorist Attacks Upon the United States**

**Thomas H. Kean, Chair, and Lee H. Hamilton, Vice Chair**

*July 8, 2003*

### **BACKGROUND**

The 9/11 Commission will report on the facts and circumstances surrounding the attacks of September 11, 2001. It will review, identify, and evaluate lessons learned and make recommendations for the future. While we analyze the terrorist danger around the world, we are also addressing sensitive policy and intelligence issues across the federal government and beyond. In the last six months, the Commission has launched the most wide-ranging outside investigation of American national security in the history of the United States. We make this point so that the public will understand that the issues we are addressing have few, if any, precedents.

With a staff of more than 60 in three offices, two in Washington, DC and one in New York City, the Commission has received thousands of documents and is meeting with officials in every area of its work. The Commission is fully funded. Its professional staff has deep expertise. The staff now has the necessary security clearances. We are also able to build on work that has already been done inside the government.

### **STATUS REPORT**

This is a critical time for the Commission. We have worked hard to stay on schedule to complete our work by the end of May 2004, as required by our statute, but the coming weeks will determine whether we will be able to do our job within the time allotted. The task in front of us is monumental. Time is slipping by. Every day lost complicates our work. Extensive and prompt cooperation from the U.S. government, the Congress, state and local agencies, and private firms is essential. This report offers an initial evaluation of this cooperation.

When he signed the bill that created the Commission, President Bush pledged his cooperation. He and his subordinates have made significant efforts to keep that promise. Security clearances for commissioners and staff were expedited. The President designated a senior official at the Justice Department to facilitate Executive Branch cooperation with the Commission.

Yet it is also clear that the Administration underestimated the scale of the Commission's work and the full breadth of support required. The facilitation job previously assigned to

an already busy top official at Justice has now been transferred to another senior Justice official working full-time to support the Commission along with four deputies.

Every bit of that help will be needed in expediting responses to the 26 briefing requests and 44 *sets* of document requests, many with dozens of categorical areas of inquiry, that have already been filed with 16 different agencies. While thousands of documents are flowing in—some in boxes and some digitized—most of the documents we need are still to come. These documents are critical in their own right and to help our staff prepare for their hundreds of interviews with individual officials.

We now detail the status with respect to many agencies:

- The document requests already filed with the Executive Office of the President cover every major part of the EOP, including the NSC. We will not go into detail on the substance of these or other requests. We can say that we have received and are in the process of receiving access to a wide range of sensitive documents and that, to date, no requested access has been denied. Many more documents are being requested. Conditions have been imposed, in some cases, with respect to our access to and usage of these materials. Our discussions continue.
- The Central Intelligence Agency has been arranging needed briefings and providing intelligence products, including essential information that has been developed since 9/11. DCI Tenet composed a strong review group and team of analysts to look back at the pre-9/11 record. Their work has been invaluable. The CIA has been slower in producing the internal documents that we have requested on management and resource choices in the pre-9/11 war on terrorism.
- The Federal Bureau of Investigation got off to a slow start in responding to the Commission's requests. When Director Mueller became aware of the Commission's concerns, he assigned additional agents and staff to assist us. He and his staff have provided us with detailed briefings on the PENTTBOM investigation and the counterterrorism reforms undertaken by the FBI since 9/11. The FBI is now moving constructively to help us utilize the records compiled in the largest criminal inquiry ever conducted by the Bureau. Especially helpful, the Bureau has helped us access documents in a searchable electronic form.
- The Department of Justice has assisted the White House in resolving issues that have arisen in agency responses to our requests. But records requested from DOJ are overdue, and the Department has not yet been able to resolve important issues related to the Moussaoui case. We also disagree with the Administration's general insistence on having agency representatives present during interviews of serving officials, and this matter is still under discussion.
- The problems that have arisen so far with the Department of Defense are becoming particularly serious. We have not received responses to requests relating to NORAD and other DOD components, including the JCS and the

Department's historical office. Delays are lengthening and agency points of contact have so far been unable to resolve them. In the last few days, we have been assured that the Department's leaders will address these concerns. We look forward to seeing the results.

- The Department of State has responded helpfully to all requests made so far. The Department of the Treasury has also been responsive, as have officials at the Securities and Exchange Commission.
- The Department of Transportation and the Federal Aviation Administration have gradually been responsive to the Commission. But we still have some important additional information to obtain from them.
- The record of support from the Department of Homeland Security so far is mixed. Elements of the former Immigration and Naturalization Service have been slow in providing briefings, although there are recent signs of improvement. The Transportation Security Administration has provided a substantial volume of material to us. The Secret Service has also been helpful.
- Relevant congressional committees have displayed good will, but we have encountered problems in obtaining adequate access to the materials compiled by the Joint Inquiry. Through cooperation, almost all of those problems have been resolved. More tests will be coming as the Commission extends its scrutiny of congressional resource allocation and oversight.
- It is still too soon to assess cooperation by local agencies such as New York City, the Port Authority, or Arlington County, or private sector entities such as the relevant airlines.

We believe the President when he says he is committed to assisting the Commission. The White House has demonstrated that commitment in some vital ways, but the next few weeks will be crucial. We will need strong support from the White House to insure that we are able to receive the materials we require in sufficient time to meet the statutory deadline.

We acknowledge the challenge faced in responding to these requests by officials already busy with other tasks. But we must look backward in order to look forward. The contemporary history of the country passed a watershed on 9/11. We must do the job we are required to do by law so that we may understand how we came to this turning point in the way we think about our security and to understand the choices that lie ahead.

We will provide another interim report on our progress in September.



Office of General Counsel

490 L'Enfant Plaza East, S.W.  
Washington, D.C. 20594-2001

202/314-6080  
FAX 202/314-6090

April 1, 2004

VIA FACSIMILE – (202) 296-5545

Daniel Marcus  
General Counsel  
National Commission on Terrorist Attacks Upon the United States  
301 7th Street, SW, Room 5125  
Washington, DC 20407

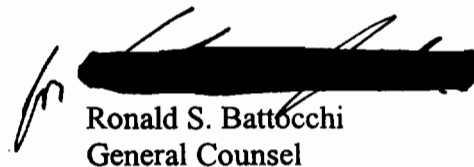
Dear Mr. Marcus:

The National Transportation Safety Board (NTSB) is pleased to cooperate with and assist the Commission under the terms spelled out in your March 31, 2004 letter.

James Cash, Chief Technical Advisor, NTSB Vehicle Recorder Division, will provide the necessary technical assistance. Please have Mr. Raidt contact Mr. Cash directly with the names of the participants on behalf of the Commission and to discuss logistical arrangements. Mr. Cash's direct number is (202) 314-6522.

If you have any questions, please call me or Christopher Julius, an attorney on my staff, at, respectively, (202) 314-6616 or (202) 314-6087.

Sincerely,

  
Ronald S. Battocchi  
General Counsel

cc: Daniel Levin, U.S. Department of Justice



**FACSIMILE COVER PAGE**

To: Daniel Marcus  
General Counsel  
9-11 Commission  
(202) 331-4060  
(202) 296-5545 (FAX)

Daniel Levin  
U.S. Department of Justice  
[REDACTED]  
(202) 305-9687 (FAX)

(b)(6)

From: Christopher Julius  
(202) 314-6087  
(202) 314-6090 (FAX)

Re: Commission's letter of March 31, 2004

Date: April 1, 2004

Please see the attached.

The attached information is confidential and intended only for the use of the named addressee(s). Anyone who received this communication in error should notify us immediately by telephone and return the documents to us at the above address.

Total number of pages (including cover page): 2

**TX RESULT REPORT**

NAME:NTSB GC  
TEL :202 314 6090  
DATE:APR.01'2004 12:51

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
1046	TX	01	93059687	APR.01	12:50	002	00H00'38"	ECM	OK



# National Transportation Safety Board

## Office of General Counsel

490 L'Enfant Plaza East, S.W.  
Washington, D.C. 20594-2001

202/314-6080  
FAX 202/314-6090

October 3, 2003

VIA FACSIMILE – (202) 616-0762

Dan Levin, Esquire  
U.S. Department of Justice  
Washington, D.C.

Re: Logs/timelines/chronologies of September 11

Dear Mr. Levin:

This responds to your e-mail inquiry of October 1, 2003. Please forward our response to Tom Monheim.

I am advised that the NTSB does not have any logs, timelines, or chronologies for the activities of its employees during September 11, 2001, which is what I understand Tom Monheim, of the White House Counsel's Office, to be seeking. It should be noted, however, that NTSB, at the behest of the FBI, created detailed reconstructions relating to the flights of the hijacked aircraft, using, where available, information including radar data, vehicle recorders, and Air Traffic Control recordings. The NTSB delivered this information and an assortment of sophisticated technical products to the FBI. Pursuant to the request of the FBI, the NTSB provided the 9-11 Commission with copies of this material.

The relevant correspondence between FBI-NTSB and NTSB-9-11 Commission is enclosed for your information.

If you have any questions or need additional information, please contact me or Christopher Julius. Our direct lines are 202-314-6616 and 202-314-6087, respectively.

Sincerely,

A handwritten signature in black ink, which appears to be "Ronald S. Battocchi", is written over a thick black horizontal line.

Ronald S. Battocchi  
General Counsel

Enclosures



## Office of General Counsel

490 L'Enfant Plaza East, S.W.  
Washington, D.C. 20594-2001

202/314-6080  
FAX 202/314-6090

July 17, 2003

VIA HAND DELIVERY

Daniel Marcus  
General Counsel  
c/o Dana Hyde, Esquire  
National Commission on Terrorist Attacks Upon the United States  
301 7th Street, SW, Room 5125  
Washington, DC 20407

Dear Mr. Marcus:

I write in response to the July 2, 2003 request by the National Commission on Terrorist Attacks Upon the United States for production of copies of certain documents by the National Transportation Safety Board ("NTSB"). As you know, the NTSB is an independent establishment of the United States Government, responsible for, among other things, investigating aircraft accidents. *See* 49 U.S.C. § 1131(a)(1)(A). The law enforcement investigation of the events of September 11, 2001 was under the jurisdiction of the Federal Bureau of Investigation ("FBI"), but, at FBI's request and under its direction, the NTSB provided technical assistance.

The NTSB helped document factual information regarding the aircraft involved in the events of September 11<sup>th</sup>, and delivered this information and numerous reports and other technical products to the FBI. The material collected and produced by NTSB personnel for the FBI is, and was at all times, under the FBI's control.

The Commission's electronic request specifically sought, "[a]ll records relating to the NTSB's review of radar data from the United States Air Force and Federal Aviation Administration concerning (1) the hijacked aircraft on September 11, 2001, and (2) the United States Government's air defense response to the hijacked aircraft." The request also specifically "includes, but is not limited to, both the raw radar files and the NTSB's analysis of the combined radar information."<sup>1</sup> Subsequently, Christopher Julius, an attorney on my staff, and I have had

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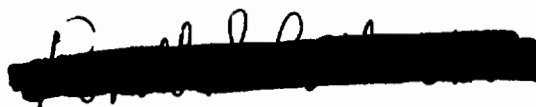
<sup>1</sup> As you can see from the attached list, NTSB only has material responsive to the first part of your request. I am advised that the NTSB did not conduct any investigation or collect any records (other than those we are providing in response to the first part of the request) that would pertain to the United States Government's air defense response to the hijacked aircraft.

conversations with Commission Deputy General Counsel Steven Dunn and staff counsel Dana Hyde, as well as with Department of Justice liaison counsel Brian Hook, about your request.

Today, the FBI authorized NTSB to provide to the Commission copies of all material that NTSB delivered to the FBI. For your convenience, I have attached a list of that material. I am advised that this material is included within the nondisclosure agreement for Moussaoui-related material reached between the Commission and the Executive Branch. With the exception of a copy of the cockpit voice recorder recording ("CVR") and an early copy of a working draft of the CVR transcript from United Airlines Flight 93 CVR, I am herewith providing the Commission with copies of all such material.<sup>2</sup> We trust our production, which is both responsive to and extends beyond the boundaries of your written request, will prove helpful to you.

If you have any questions, or need assistance with anything, please feel free to call on us. Mr. Julius can provide the best assistance, and he can be reached at (202) 314-6087.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald S. Battocchi", is written over a thick black horizontal redaction bar.

Ronald S. Battocchi  
General Counsel

Enclosures

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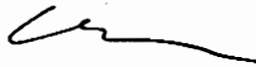
<sup>2</sup> CVR recordings require different treatment, in part because of the special restrictions against public disclosure imposed by Congress. *See* 49 U.S.C. § 1114(c); *see also* 49 U.S.C. § 1154(a) (setting forth detailed provisions designed to minimize dissemination of non-public CVR information). I am advised that the FBI, however, which is in possession of the original CVR tape and the final draft of the CVR transcript from Flight 93, will respond directly to any Commission request pertaining to the CVR. You will note that some of the products we are delivering to you incorporate information from the FBI transcript of the Flight 93 CVR recording.



Office of General Counsel

**FAX**Date: 10-3-2003  
Number of pages including cover sheet: \_\_\_\_\_To: Don Levin  
US Dept. of Justice  
  
  
Phone: 616-0762 FAX  
Fax phone: \_\_\_\_\_  
CC: \_\_\_\_\_From: Chris Julius  
NTSB  
  
  
Phone: 202-314-6087  
202-314-6080  
Fax phone: 202-314-6090REMARKS: ☒ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

Please see the attached (5 pages, incl. cover).



The attached information is **confidential** and intended only for the use of the named addressee(s).  
Anyone who received this communication in error should notify us immediately by telephone and return  
the original message to us at the above address.

**TX RESULT REPORT**NAME: NTSB GC  
TEL : 202 314 6090  
DATE: OCT.03'2003 17:09

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
0108	TX	01	2026160762	OCT.03	17:07	005	00H01'40"	ECM	OK

**Julius Chris**

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**From:** Julius Chris  
**Sent:** Monday, December 08, 2003 7:22 PM  
**To:** 'mkara@9-11commission.gov'  
**Subject:** radar data

Miles,

Did you end up getting what you needed? We're still here to assist if you need us.

Regards,

Chris

## Julius Chris

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**From:** Miles Kara [mkara@9-11commission.gov]  
**Sent:** Friday, September 26, 2003 1:57 PM  
**To:** 'Julius Chris'  
**Cc:** jfarmer@9-11commission.gov; 'Dana Hyde'; sdunne@9-11commission.gov  
**Subject:** AA77 data

Chris, in digging deeper into the text files provided in response to our request, and looking specifically at Radar Data Disc 1of2, ZDC file, we have a question.

Do we infer from that data that ZDC had some at least intermittent radar coverage available during the period 1256-1309 GMT on 9/11?

If so, which specific periods on the ZDC files on that CD are relevant.

Time is a bit of the essence, a response, even interim, would be appreciated today if possible. If not, by noon Monday.

Regret short suspense, we are fitting in local analysis with extending travel schedule.

Miles

09/29/2003

## Julius Chris

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**From:** O'Callaghan John  
**Sent:** Monday, September 29, 2003 8:56 AM  
**To:** Julius Chris; Kolly Joseph; Ellingstad Vern  
**Subject:** RE: Follow-on question

I've turned Miles' question over several times, but I'm not sure exactly what is being asked, and hesitate to guess and provide an answer to the wrong question. I think Joe's idea of calling Miles directly and making sure we understand one another is a good one.

Thanks,

John

-----Original Message-----

**From:** Julius Chris  
**Sent:** Monday, September 29, 2003 8:32 AM  
**To:** Kolly Joseph; Ellingstad Vern; O'Callaghan John  
**Subject:** RE: Follow-on question

Joe, we can do that if need be. Would prefer to give him a concise written answer if it's doable, however.

-----Original Message-----

**From:** Kolly Joseph  
**To:** Julius Chris; Ellingstad Vern; O'Callaghan John  
**Sent:** 9/29/03 7:31 AM  
**Subject:** RE: Follow-on question

It appears these questions are getting quite detailed and difficult to communicate through email. Should we consider having Miles contact John O'Callaghan by phone or in person, in GC's presence?

-----Original Message-----

**From:** Julius Chris  
**Sent:** Sunday, September 28, 2003 7:22 PM  
**To:** Ellingstad Vern; Kolly Joseph; O'Callaghan John  
**Subject:** FW: Follow-on question

???

-----Original Message-----

**From:** Miles Kara  
**To:** 'Julius Chris'  
**Sent:** 9/26/03 3:38 PM  
**Subject:** RE: Follow-on question

Chris, thanks for prompt response. However, my question is far further down in the weeds.

Given the FAA data only, as provided to the Commission, is there line item information on the CD concerning the ZDC radar files that equates to AA77 during the period 1256-1309 GMT? I looked at the ZID data and could not find anything. However, the ZDC files appear to show such reference.

re :  
AAL 774.  
ZDC  
1303 - 1321

We've got the picture on the FAA mosaic system vs the 84th RADES ability to discretely link returns to radars.

Appreciate the patience and understanding.

Miles

-----Original Message-----

From: Julius Chris [mailto:juliusc@ntsb.gov]  
Sent: Friday, September 26, 2003 1:49 PM  
To: 'Miles Kara'  
Subject: RE: Follow-on question

Miles, here is the answer from our RE staff:

FAA does indeed record primaries, but does not keep the information as to which antenna they come from (same for secondaries). Thus, there is no way to tell, from the data that the FAA provides, which antenna received a given return (which is something the commission appeared interested in). 84 RADES (USAF) does keep the site information in their data, so if one is interested in which antenna received a given return, one must use the 84 RADES data. The long-range ARSR antennas that feed data to 84 RADES are shared with the FAA, so the same returns will appear in both data sets. However, 84 RADES only receives data from selected antennas along the periphery of the USA, while FAA of course has ARSRs in the interior as well. Thus, there may be returns in FAA data that are from interior antennas and which may not appear in the 84 RADES data.

If one had enough patience, one could sort out the source of data in the FAA files by comparing each return to data in 84 RADES files. Returns that have no match in the 84 RADES data must be from interior antennas, and presumably there would be a short list of possibilities for which antenna provided those returns.

Let me know if I can provide more information. Also, we should have an answer regarding the other question you posed soon.

Regards,

Chris

From: Miles Kara [mailto:mkara@9-11commission.gov]  
Sent: Thursday, September 25, 2003 12:48 PM  
To: 'Julius Chris'  
Subject: Follow-on question

Chris, we just got off the road and I am reviewing the draft MFR from our visit with your technicians and it appears we might be confused.

Concerning AA77 we wrote down that FAA does not record primary returns and that helps explain why there is no evidence, absent the FDR, on where AA77 was. However, for UA93 it appears that FAA did provide recorded data from ZDC that was primary only.

Could your experts please enlighten me as to what I'm missing here?

Thanks in advance,

Miles